

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE**

Room 25 House Building

February 5, 2015

Members Present: Sen. Daniel Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Keven J. Stratton, House Vice Chair
Sen. Curtis S. Bramble
Sen. Jani Iwamoto
Sen. Scott K. Jenkins
Rep. Rich Cunningham
Rep. Sophia DiCaro
Rep. Brian S. King
Rep. Merrill F. Nelson
Rep. Curtis Oda
Rep. Angela Romero
Rep. V. Lowry Snow

Members Excused: Sen. Ralph Okerlund

Staff Present: Mr. Gary Syphus, Fiscal Analyst
Ms. Clare Tobin Lence, Fiscal Analyst
Ms. Jennifer Eyring, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Co-Chair Hutchings called the meeting to order at 8:15 a.m.

Base Budget Review

Mr. Gary Syphus, Fiscal Analyst, stated the committee could pass S.B. 6 "Executive Offices and Criminal Justice Base Budget" with 100% funding and include a separate list with 2% reductions items, or include the 2% reductions in the bill when they pass it.

3. Board of Pardons and Parole

Mr. Syphus gave a brief overview of items found in the Compendium of Budget Information (COBI) and the Board's Building Block request.

Ms. Angela Micklos, Chair, discussed the role the Board of Pardons plays in the criminal justice system. Highlighted accomplishments included maintaining efficiency with a rising prison population, increased special attention time cuts granted, addressing increasing pardon applications and expungements, and staff utilization. She emphasized that each hearing is very individual and very labor intensive.

Mr. Robert Yeates, Vice Chair, expressed appreciation for legislation that has helped people move forward in their lives.

Ms. Micklos explained the results they have achieved through efficiencies and the additional hearing officer they were able to add last year. Charts illustrated an increase in hearings held per year, a decline in the prison population, and an increase in time cuts awarded. These efficiencies also saved money for the State. She noted that implementation of the Justice Reinvestment Initiative would affect prison population numbers.

Mr. Yeates added they feel it important that the Department of Corrections (DOC) has funding for programs and treatment that help mitigate risk. With that in place, The Board is more able to grant time cuts and it is more likely people can integrate back into society.

Ms. Micklos stated the PEW research showed an increase in drug and property offenders. She estimated that 70 to 75 percent of offenders have a substance abuse problem. Ms. Micklos discussed benefits of the streamlined pardons process and the criteria considered in a pardon hearing. The hearing officer hired last year is also a mental health specialist who conducts hearings for the mentally ill, helps the Board interpret evaluations and treatment histories, makes recommendations for services needed, coordinates with the Department of Corrections and halfway houses, and has been a tremendous help to the Board. It was noted that treatment beds in halfway houses are extremely limited because of limited staff.

Mr. Yeates said ideal treatment for the mentally ill or substance abusers is to intervene early, providing services in the community which may keep people from entering the prison system in the first place. He stated the DOC doesn't have sufficient resources to treat all who need it and the system sometimes breaks down in the transition back into society.

Ms. Micklos added that DOC does a great job with the resources they have, but upon release, an offender is given a 30 day supply of their medications, which often runs out before they can get in to see another provider. She reiterated that community services are preferable for low risk offenders who could be made worse in a prison setting. Job responsibilities of the new office specialist were outlined. Ms. Micklos stated that a 2% budget reduction would probably mean the loss of a hearing officer, decreasing the amount of hearings held. Time cut hearings would likely decrease and the State would lose the associated cost savings. As part of the Justice Reinvestment Initiative, the Governor's budget includes \$100,000 ongoing funding for a full time research analyst and \$74,000 one-time funds for data system upgrades.

4. Guardian ad Litem (GAL)

Mr. Syphus gave a short overview of GAL responsibilities. The Office is under the Courts budget but operates independently. The Budget Effectiveness Review reduction would be approximately equivalent to one GAL attorney and one support staff.

Ms. Liz Knight, Director, explained the Private Attorney program, the CASA (Court Appointed Special Advocates) program, and the largest program, the GAL attorneys. Performance measures and standards utilized as they represent abused and neglected children were reviewed. It was noted that caseload numbers are still above nationally recommended numbers, but have come down in the past year, due in part to hiring two additional attorneys. Salary parity continues to be an issue. Funding from the previous year helped narrow the gap and lessened turnover, but GAL attorneys continue to be the lowest paid State attorneys. The 2% funding reductions would mean the loss of one attorney and one legal secretary.

This would impact their representation of children. They are not requesting additional funding for FY 2016. The "Utah Office of Guardian ad Litem & CASA 2014 Annual Report" booklet was provided to the committee.

5. State Auditor

Ms. Clare Tobin Lence, Fiscal Analyst, gave an overview of items found in the COBI. Budget Effectiveness Review items include Departmental Reviews, which would delay or limit an effort to audit agencies which are not routinely audited, and Higher Education Audit Billings, which would reduce General Funds, increase Dedicated Credit revenue, and shift the billing for audit services directly to colleges and universities.

Mr. John Dougall, State Auditor, assisted by Jon Johnson, Financial Audit Director, provided background information on their mission, objectives, and responsibilities. The Office performs financial and performance audits, provides local government oversight, responds to special project and hotline complaints, and has begun initiating data analytics and information systems security audits. The Office of the State Auditor undergoes a peer review audit every three years by auditors from other states. Cost focused accountability efforts include financial audit billing changes, the CAFR (Comprehensive Annual Financial Report) produced in a timely but cost effective manner, and efficiencies in working with local governments. Mr. Dougall noted they coordinate with the Office of the Legislative Auditor General to avoid duplicate audits. The 2% budget reduction would mainly limit implementing future initiatives. Mr. Dougall said in response to additional accounting transparency standards for pension funding, they have asked the Office of the Attorney General to clarify whether pension obligations should be included in calculating the State debt level.

6. Base Budget Discussion and Voting

Mr. Syphus reviewed Federal Funds as found in "EOCJ Federal Funds, FY 2015 Supplemental and FY 2016" for the Department of Corrections, Courts, Juvenile Justice Services, and the Department of Public Safety. The Department of Public Safety is eligible for new Federal Funds.

Ms. Lence reviewed Federal Funds for the Governor's Office.

Ms. Susan Burke, Director, Juvenile Justice Services, said they had a \$9 million reduction in Federal Funds several years ago, but do not anticipate any reductions for the coming fiscal year.

The "EOCJ Chairs Budget Efficiency List: Starting Point for Prioritization" sheet was distributed to Committee members and discussed along with the base budget bill, S.B. 6 "Executive Offices and Criminal Justice Base Budget".

MOTION: Rep. King moved to approve the Base Budget Bill for the EOCJ Subcommittee, S. B. 6 "Executive Offices and Criminal Justice Base budget" and forward to EAC (Executive Appropriations Committee) for their consideration.

SUBSTITUTE MOTION: Co-Chair Thatcher moved to remove the Citizen Communication Portal for \$200,000 and replace it with a Constitutional Defense Attorney for \$200,000 in the Office of

Attorney General budget, and approve the Base Budget Bill for the EOCJ Subcommittee, S. B. 6 "Executive Offices and Criminal Justice Base Budget" and forward to EAC for their consideration.

Mr. Wade Farraway, Office of the Attorney General, clarified the requested budget change.

The substitute motion passed unanimously with Sen. Bramble and Rep. Cunningham absent for the vote.

Mr. Farraway stated it was not their intention to have the Constitutional Defense Attorney replace the Citizen Communication Portal item on the 2% reduction list, now that the Citizen Communication Portal is eliminated from the base budget.

MOTION: Sen. Jenkins moved to approve the "EOCJ Chairs Budget Efficiency List: Starting Point for Prioritization" and forward to EAC for their consideration. The motion passed with Sen. Iwamoto, Rep. King, Rep. Romero and Rep. Hutchings voting against the motion.

MOTION: Rep. King moved to adjourn. The motion passed unanimously with Sen. Bramble, Sen. Jenkins, and Rep. Cunningham absent for the motion.

Co-Chair Hutchings adjourned the meeting at 10:55 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair